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March 2, 2021

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VIA ECF

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street,
New York, NY 10007-1312

Application granted. SO ORDERED.

New York, New York /s/ John G. Koeltl
March 3, 2021 John G. Koeltl, U.S.D.J.

Re: Felicha C. Stevens v. Elara Caring, et al.,
Civil Action No. 20-cv-4180 (JGK)

Dear Judge Koeltl:

This firm represents Defendants BW NHHHC Holdco, Inc. d/b/a Elara Caring ("Elara Caring")¹, Esther DiMano (i/s/h/a "Esther Dimaano"), Rovina Whitfield, Sandra Cruz-Marti (i/s/h/a "Sandra Marti-Cruz"), and Anne Marie Martino (i/s/h/a "AnnMarie Martino") (collectively, "Defendants") in the above-captioned action. Defendants write, with the consent of Plaintiff and Plaintiff's *Pro Bono* Counsel, to advise the Court that the parties have reached a settlement in principle in this matter. Accordingly, Defendants respectfully request an extension from March 5, until April 16, 2021, to submit their motion to compel arbitration, pending finalization of the settlement. This is Defendants' first application for the relief requested herein.

On February 10, 2021, Defendants requested a pre-motion conference with the Court in advance of their anticipated motion, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1, *et seq.* ("FAA"), to dismiss the Complaint filed by Plaintiff, and compel arbitration pursuant to a valid and binding arbitration agreement. See Dkt. Nos. 19-20. By Order, dated February 11, 2021, the Court issued a briefing schedule and directed Defendants to file their motion to compel arbitration by March 5, 2021. See Order, Dkt. No. 23. Subsequently, the parties engaged in settlement negotiations and have reached a settlement in principle, thus obviating the need for mediation and further litigation. Thus, Defendants write to respectfully request an adjournment of their filing due date of the anticipated motion to compel arbitration, pending finalization of the settlement terms. The requested time will also permit the parties to comply with the applicable consideration and revocation periods required in discrimination cases, as set forth in New York General Obligation Law § 5-336, and Civil Practice Law and Rules ("CPLR") § 5003-B.

¹ Plaintiff is employed by Health Acquisition Corp., d/b/a Allen Health Care Services, which is a subsidiary of BW NHHHC Holdco, Inc. d/b/a Elara Caring. Plaintiff incorrectly identified Elara Caring as her employer and a Defendant in this matter.

Honorable John G. Koeltl
March 2, 2021
Page 2

Thank you for your time and consideration of this matter.

Respectfully submitted,

Littler Mendelson, P.C.

/s/ Lisa M. Griffith

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